

D. Remarks

The claims are 17-34, with claim 17 being the sole independent claim.

Claims 1-16 have been cancelled. New claims 17-34 have been added. Support for these claims may be found throughout the specification and the claims. For example, support may be found in Ex. Comp. Nos. 2-11, 25, 38, 51-100, 102-163, 168, 170, 174-205. In addition, support for the new claims may be found in Examples 12, 14, 15 and 25, in Compound 4 on page 34 and at page 21, line 16 - page 22, line 9. No new matter has been added. Consideration of the present claims is expressly requested.

The Examiner requested affirmation of Applicants' oral election. As required, Applicants hereby affirm the election, but again traverse the election requirement.

The specification is objected to due to several informalities. Applicants have amended the specification to correct the informalities. Accordingly, this objection should be withdrawn.

The Examiner indicated that some of the symbols in the tables on pages 25-33 are not clearly readable. Applicants believe that the Examiner's file may not have a clear copy of the subject application submitted by Applicants. Therefore, Examiner's attention is directed to the publication of the subject application (U.S. 2002/0063516 A1) where the symbols in the tables are clearly readable.

Claims 2-7 and 11-16 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly lacking an enabling disclosure. Applicants respectfully submit that since these claims have been cancelled, the rejection is moot and should be withdrawn. In addition,

Applicants would like to note that the value of a peak emission wavelength is believed to be readily measured by using a spectrofluorometer (see page 42, lines 5-6).

Claims 1-16 stand rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Since claims 1-16 have been cancelled and new claims 17-34 do not include the allegedly objectionable language, this rejection is moot and should be withdrawn.

Claims 1-5 and 9-16 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Maestri et al., "Photochemistry and Luminescence of Cyclometallated Complexes", pp. 1-68 in Advances in Photochemistry, Volume 17 (1992) (Maestri). Claims 5-7 and 14-16 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Application Publication No. 2002/0034656 A1 (Thompson). Claims 1 and 8-10 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Application Publication No. 2002/0121638 A1 (Grushin). Claims 1-16 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by, or in the alternative under 35 U.S.C. § 103(a) as being allegedly obvious from, U.S. Patent Application Publication No. 2001/019782 A1 (Igarashi). Since all rejected claims have been cancelled, the above rejections are moot and should be withdrawn.

Applicants respectfully submit that the newly added claims 17-34 are patentable over the cited references.

Maestri discloses Pd(tpy)₂ and Pt(tpy)₂ and their luminescence characteristics. These compounds have the same ligand as Compound 11 on page 39 of the specification. However, Compound 11 is not within the scope of the present claims.

Specifically, the Examiner will note that as presently claimed, when CyN is Pr and CyC is Tn1, these rings are substituted. Furthermore, Compound 11 includes Ir, and Ir(tpy)₂ that may, for example, be suggested by Maestri has no luminescence function, so that Maestri fails to suggest Compound 11, much less a compound wherein both CyN and CyC are substituted. What is more, Pd(tpy)₂ and Pt(tpy)₂ of Maestri do not function such that a peak emission wavelength is changed depending on a substituent. Accordingly, it is clear that the presently claimed invention is patentable over Maestri.

Grushin discloses a compound 1-m used in the device of Sample 16. However, such a compound is outside the scope of the present claims. Accordingly, the presently claimed invention is clearly patentable over Grushin.

Applicants submit herewith sworn translations of priority Japanese Application Nos. 2000-292490, 2000-360569, 2001-190866 and 2001-284600 in conformity with 37 C.F.R. § 1.55 to perfect the priority claim and to remove Igarashi as prior art under 35 U.S.C. § 102 (e). Also, perfection of foreign priority in this case removes as prior art the disclosure Thompson, which is not supported by its priority applications.

With respect to Thompson, the Examiner relied, in part, on the disclosure in Thompson's priory U.S. Application No. 09/452,346 (the '346 application). The '346 application discloses, in Fig. 21, a metal coordination compound having three ligands, including Pr(CyN), Tn3(CyC) and an acetylacetone group (acac). However, this compound is different from the presently claimed compounds in that it has an acac ligand. Applicants

respectfully submit that a compound having such a ligand generally has a low decomposition temperature. Thus, a compound with an acac ligand is unsuitable as a material for a luminescent device. Clearly, Thompson cannot render the presently claimed invention unpatentable.

With respect to Igarashi, while, as mentioned above, Igarashi is not prior art, Applicants nonetheless would like to point out to the Examiner that the compounds disclosed in this document are outside the scope of the present claims. The Examiner pointed to the disclosure in Igarashi at paragraphs [0070] - [0074]. However, this disclosure relates to ligands, which are different from the ones presently claimed. Furthermore, with respect to substituents, Igarashi merely suggests that the substituents can be replaceable in a thienyl ring and a pyridine ring in any combination. Particularly, Igarashi, in paragraph [0071], suggests that each of the thienyl ring and pyridine ring may more preferably be substituted by an alkyl group. Accordingly, Igarashi fails to suggest a compound with an unsubstituted pyridine ring and a thienyl ring substituted by a methyl group at a particular position (Compound 14, page 40).

In conclusion, Applicants respectfully submit that the present claims are clearly patentable over the cited art. Wherefore, allowance of the claims and expedient passage to issue are respectfully requested.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our

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Respectfully submitted,



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